IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 18 OF 1997

The State of Maharashtra)
at the instance of Shri R.V.)
Zadbuke, Drug Inspector (I.B.))
Greater Bombay, Food and Drugs)
Adminsitration, Maharashtra State,)....Applicant.
Mumbai.

V/s

1. Mangesh A. Pakhade.)
)
2. S. A. Dalvi,)
)
3. M/s. Ideal Remedies)
All R/o. Ideal Remedies,)
Room No.2, Pakhade B/29,)
3rd Floor, 48 Nehru Road,)
Vile Parle (E), Mumbai.)....Respondents.

Mr. S.V. More, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 18th August, 2006

ORAL JUDGMENT:

1. Heard the learned APP for the State. None appears for the respondents though they are served.

2. State has filed this Revision Application challenging the order passed by the Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai

whereby the respondents - accused were discharged of the offence under section 18(c) read with section 27(b)(ii) of Drugs and Cosmetics Act, 1940.

3. Prosecution case is that the complaint was filed by one R.V. Zadbuke that he visited premises situated on the ground floor of Pakhade Building and had drawn samples of different drugs and the Drug Inspector seized the stock which was found in the godown premises of accused No.3. The evidence before charge was led by the prosecution and three witnesses were examined viz. R.V. Zadbuke, Drug Inspector (P.W.1), Pravin Rane (P.W.2) and Mrs. Smita Desai (P.W.3). After going through the evidence of these three witnesses, the learned Magistrate has held that the goods which were found in the premises were stored for the purpose of sale of goods. In view of the evidence of these three witnesses, the learned Magistrate held that there was no evidence on record to show that the goods were stored for the purpose of sale of drugs from the godown premises from where the drugs were seized and, on that ground, held that no offence was committed by the accused punishable under section 27 of the Drugs and Cosmetics Act.

4. In my view, there is no infirmity in the said order which is passed by the learned Magistrate. There is no reason to interfere with the order of discharge. Criminal Application is therefore dismissed. Rule stands discharged.

(V.M. KANADE, J.)